

1 Shikeb Saddozai-CDCR#AY1590
2 Salinas Valley State Prison
3 P.O.Box 1050
4 Soledad, California, 93960

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Shikeb Saddozai,
Petitioner/Appellant,
v.
Ron Davis, et al.,
Respondent/Appellees.

Case No.: 18-05558 BLF, (PR)
D.C.No.:

DECLARATION IN SUPPORT OF
PETITIONERS' MOTION FOR
APPOINTMENT OF COUNSEL

Shikeb Saddozai states:

1. I am the Petitioner/Appellant in the above entitled case.
I make this declaration in support of my motion for this
appointment of counsel, and that I am incarcerated.
2. I am seeking a Civil Rights action pursuant to 42 U.S.C.
§ 1983, asserting claims for constitutional violations
and seek damages as to all claims: (1) Equal protection
and treatment under the law, (2) Due process (3) Obstruct-
ion of justice (4) Protection of Public Safety.

3. I am indigent and unable to afford counsel, made evident by leave to proceed In Forma Pauperis, granted by the courts.
4. The issues in the case are complex, because it contains several legal claims, with each claim involving a different set of arguments that arise out of the conduct, transaction or occurrence set out or attempted to be set out in the original pleading.
5. I have no legal knowledge of the law, with only a high school education, not competent to try the case, with a physical and mental disability, making it difficult for me to present case, which an attorney can make a difference in the outcome, and to protect my interest with professional assistance of counsel.
6. I have limited and or no access while in custody to law library needed to prepare and file petition in order to diligently prosecute case, and due to extraordinary circumstances has prevented me from adequately pursuing case on my own, nor do I have assistance.
7. I have sufficient physical and mental disabilities that has caused me to be placed in Mental Health Services under the Correctional Clinical Case Management System level of care making me incapable of representing myself.
8. The case requires investigation that I will not be able to do because of my imprisonment preventing my ability to litigate, such as obtaining the following: discovery of documents, and preparation beyond my ability as a Pro se prisoner.
9. I require counsel for effective use of discovery and necessary for due process particularly because my case is complex supported under Fed. Rule of Habeas Corpus, Rule 6(a), and 3(c): Dillion v. United States (9th Cir 1962) 307 F2d 445.
10. Counsel would better enable me to present evidence by virtue of experience and not being locked up in my custody.

- 1 11. Prison officials have destroyed and obstructed my legal
2 materials and legal correspondence to deny my access to
3 the courts.
- 4 12. I have requested an evidentiary hearing which requires
5 much greater legal skills than I possess and or can
6 develop such as the Constitutionality of a federal
7 statute, or questions of the extent of prisoners rights
8 under the federal disability statutes, or determining
9 whether a prison or jail regulation violated my rights
10 in preparing and filing petition to diligently prosecute
11 case and therefore counsel's assistance is necessary to
12 make full use of discovery under 18 U.S.C. §3006A(a)(2)(B).
- 13 13. In the alternative I request a "Protective Petition";
14 Pace v. DiGuglielmo (2005) 544 US 408, 161 L Ed 2d 669, 125
15 S Ct 1807; Heleva v. Brooks (3d Cir 2009) 581 F3d 187, 192.
- 16 14. As set for in the "MEMORANDUM OF LAW IN SUPPORT OF
17 PETITIONER'S MOTION FOR THE APPOINTMENT OF COUNSEL"
18 submitted with this motion, these facts, along with the
19 legal merit of Petitioner's claims, support the
20 appointment of counsel to represent Petitioner.

21 WHEREFORE, the Petitioner's motion for appointment of counsel
22 should be granted. Pursuant to 28 U.S.C. § 1746, I declare
23 under penalty of perjury that the foregoing is true and correct.

24 Signed this 8 day of September, 2020

25 Agent: Laddozi: Haddozi UCC-1-308

26 Petitioner In Pro se